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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,483	10/17/2003	Fabrice Billarant	CAC.P0033	2195

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EXAMINER

RODRIGUEZ, RUTH C

ART UNIT

PAPER NUMBER

3677

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/688,483	Applicant(s) BILLARANT, FABRICE	
	Examiner Ruth C. Rodriguez	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 12-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 1 and 12 are objected to because of the following informalities:

- Claim 1 recites the limitations "said ledge regions" and "the shape" in the twelfth line and "the top surfaces" between lines 12 and 13. There is insufficient antecedent basis for this limitation in the claim.

- Claim 12 recites the limitation "the shape" in the twelfth line and "the top surfaces" between lines 12 and 13. There is insufficient antecedent basis for this limitation in the claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 7, 8 and 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cripps et al. (US 5,061,540).

An article (12) over which a molding is to be made. The article comprises a base (10) having a central strip region and a top surface and a bottom surface. Hooks (16) are extending from the central strip region of the bottom surface of the base and metallic material (24) is fixed on the top surface of the base (Figs. 3 and 6). The base is flat in shape (Figs. 1 and 7). The flat base is of a material such when the article is placed on top of the cavity delimited by vertical walls, with the hooks inside the walls and facing the cavity, ledge regions follow the shape of the top surfaces of the vertical walls (Figs. 2 and 4). Cripps fails to disclose that the hook strip has a width being less than 10 mm, preferably between 3 and 10 mm. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the hook strip with a width of less than 10 mm, preferably between 3 and 10 mm since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

The hooks are made in the form of longitudinal rows (Figs. 1-7). The number of rows preferably is less than or equal to three (Fig. 3). Cripps fails to disclose that the hooks have a Christmas tree shape. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the hooks with a Christmas tree shape since the Examiner takes Official Notice that the use of hooks having a Christmas tree shape is well known in the cushion art since the Christmas tree shape will provide a better engagement by having additional prongs.

The longitudinal strip comprises hooks stops at a distance from the longitudinal ends of the base (Figs. 1-7). The longitudinal end regions thus are formed without any hooks particularly over a distance of some millimeters to enable the base to be placed at the level of its longitudinal ends directly on the top edges of the walls forming the cavity (Figs. 2 and 4). Once again, Cripps fails to disclose that distance is preferably less 15 mm. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the distance being preferably less than 15 mm since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Cripps fails to disclose that the base is of polyamide 6 and has a thickness of between 0.2 mm and 0.4 mm or the base has a thickness of 0.15 mm to 0.35 mm and is of polyamide 6-6. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the base made of polyamide 6 or polyamide 6-6 since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416. Also, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the base with a thickness of between 0.2 mm and 0.4 mm when polyamide 6 is used or a thickness of 0.15 mm to 0.35 mm when polyamide 6-6 is used since such a modification would have involved a mere change in the size of a component. A change

in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

A moulded object of foam to which one or more articles for moulding over are fixed by hardening of the foam on the top surface of the base after the foam has been poured in a mould (C. 1, L. 8-20).

Crapps discloses a mould in the base of which there is made a cavity having walls projecting from the base and on the top edges of which there is intended to be placed an article for molding over (C. 1, L. 8-20 and Figs. 2 and 4). The article is intended to be fixed to a molding object by solidification of a foam that is poured there over (C. 1, L. 8-20). The cavity has two side walls preferably parallel and spaced apart by a distance. Crapps fails to disclose that the distance is between 4.5 mm and 12 mm. However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the distance being between 4.5 and 12 mm since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art. In re Rose, 105 USPQ 237 (CCPA 1955).

Regarding claim 12, the rejection of claim 1 serves to reject claim 12 that has the same limitations as claim 1 with the exception that it recites that the element instead of the base and left and right ledge regions.

The element is flat in shape (Figs. 1-7).

The magnetically attractable material is fixed on the top surface of the element (Figs. 1-7).

4. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cripps et al in view of Fleuchaus et al. (US 6,842,950 B2).

Cripps discloses an article having all the limitations mentioned above I paragraph 3 for the rejection of claim 1. Cripps discloses that the metallic material is a magnetic plate. Cripps fails to disclose that the metallic material is embodied in the form of a metallic resin rib fixed by gluing to the top surface of the base particularly by forming two longitudinal reinforcements on either side of the resin-base interface to provide good anchoring of the foam where anchoring patterns can also be provided at the outer surface of the metallic resin rib. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the metallic material being embodied in the form of a metallic resin rib fixed by gluing to the top surface of the base particularly by forming two longitudinal reinforcements on either side of the resin-base interface to provide good anchoring of the foam where anchoring patterns can also be provided at the outer surface of the metallic resin rib since the Examiner the Examiner takes Official Notice that the use of a metallic resin rib for centering the article is well known in the art as taught by Fleuchaus.

Cripps also fails to disclose that the resin rib comprises at least 6 g per linear meter of metallic powder for a total weight of metallic resin of at least 10 g per linear meter. However, it would have been obvious to one having ordinary skill in the art at the time of Applicant's invention to have the resin rib comprising at least 6 g per linear meter of metallic powder for a total weight of metallic resin of at least 10 g per linear meter since it has been held to be within the general skill of a worker in the art to select

a known material on the basis of its suitability for the intended use as a matter of obvious design choice. In re Leshin, 125 USPQ 416.

Response to Arguments

5. Applicant's arguments filed on 19 January 2006 have been fully considered but they are not persuasive.

6. The Applicant argues that Cripps et al. fails to disclose that the ledges follow the shape of the top surface of the vertical walls when the element or base is placed on a cavity delimited by vertical walls with the hooks inside the walls. To support his position, the Applicant makes reference to Figure 4 of Cripps were according to the Applicant "there is no contact between the top surface of the walls delimiting the trough 32 and the ledges on the element, so that they do not follow the shape of the top surface." This argument fails to persuade because claim 1 fails to establish what the ledge regions are and claim 12 only recites that left and ridge regions are part of the element. However, none of the claims define what is the ledge regions and what is the extension of the ledge regions. Additionally, the claims recite a cavity being delimited by vertical walls and that the ledge regions follow the shape of the top surfaces of the vertical walls. Since the vertical walls are the walls being illustrated in Figures 2 and 4 as the sides of trough 32, the top surfaces of the walls are the ledge or edge being contacted by the base or element. In the Examiner's rejection, the ledge regions are

the part of the base or element that is in contact with the top surfaces of the walls and follow the shape of the wall as illustrated in Figures 2 and 4 were no gaps are visible.

7. Finally, in response to the Applicant's argument that the base or element includes additional structure (lip 18) not required by the Applicant's invention, it must be noted that Cripps discloses the invention as claimed. The fact that it disclose additional structure not claimed is irrelevant.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Cripps et al. (US 5,061,540), Fujisawa et al. (US 6,439,537 B1), Murasaki (US 6,463,635 B2), Billarant et al. (US 6,596,371), Fujisawa et al. (US 6,720,059 B2) and Fleuchaus et al. (US 6,842,950 B2) are cited to show state of the art with respect to articles having hooks and being used in combination with a mold to mold a cushion.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ruth C. Rodriguez whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

RCR
rcr
April 3, 2006


ROBERT J. SANDY
PRIMARY EXAMINER